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9 *Automatic Data Processing, Inc.*

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 BYRD UNDERGROUND, LLC,  
13  
14 Plaintiff,

15 v.

16 AUTOMATIC DATA PROCESSING, INC.,  
17 Defendant.

Case No.: 2:22-cv-01329-CDS-NJK

**STIPULATION TO EXTEND  
DEFENDANT'S TIME TO RESPOND TO  
COMPLAINT**

**(SECOND REQUEST)**

19  
20 Plaintiff Byrd Underground, LLC (**Byrd**) and Defendant Automatic Data Processing, Inc.  
21 (**ADP**) hereby stipulate to extend the deadline for ADP to answer, move, or otherwise plead in response  
22 to Byrd's Complaint by (30) thirty-days, from October 3, 2022, to November 2, 2022.

23 In support of this stipulation, Byrd and ADP state as follows:

24 1. Byrd filed its Complaint against ADP on August 16, 2022, ECF No. 1, and served it on  
25 September 12, 2022, ECF No. 4. ADP's current deadline to respond to the Complaint is October 3,  
26 2022.

27 2. On September 28, 2022, the parties filed their first stipulation for extension of time.  
28 ECF No. 5.

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1           3.       On September 30, 2022, the Court denied the stipulation for the reasons explained in its  
2 Order. ECF No. 6.

3           4.       The parties have reduced the amount of time requested from (45) forty-five days to (30)  
4 thirty-days.

5           5.       The parties are agreeing to the extension because the parties are in active settlement  
6 discussions and need the time to ascertain if early resolution is possible.

7           6.       The parties have agreed to extend the deadline for ADP to answer, move, or otherwise  
8 plead in response to Byrd’s Complaint by (30) thirty-days, to November 2, 2022.

9           7.       To the extent settlement discussions ultimately are not successful, the extension will  
10 accommodate the recent retention of ADP’s counsel and allow ADP to evaluate the Complaint and  
11 determine how to respond in the most efficient manner.

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8. The parties enter into this stipulation in the interest of justice and not for the purpose of undue delay. Given the very early stage of these proceedings, neither party will be prejudiced by the extension. This is the second request for an extension of time; however, the prior extension was denied.

Jointly and respectfully submitted this 3rd day of October 2022

**AKERMAN LLP**

**TAKOS LAW GROUP**

/s/ Lilith V. Xara

/s/ Steven R. Hart

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Pursuant to the foregoing, **IT IS SO ORDERED.**

**DATED** October 4, 2022

  
United States Magistrate Judge

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